

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

JAYLA ALLEN, DAMON JOHNSON,
JOSHUA MUHAMMAD, RAUL SANCHEZ,
and TREASURE SMITH,

Plaintiffs,

v.

WALLER COUNTY, TEXAS; THE WALLER
COUNTY COMMISSIONERS COURT;
JUDGE CARBETT “TREY” J. DUHON III, in
his official capacity as the Waller County Judge;
and CHRISTY A. EASON, in her official
capacity as the Waller County Elections
Administrator,

Defendants.

Civil Case No. 4:18-cv-3985

**PLAINTIFFS’ EMERGENCY MOTION
FOR TEMPORARY RESTRAINING ORDER**

Pursuant to Federal Rule of Civil Procedure 65(b), and for the reasons set forth in the attached memorandum of law, Plaintiffs Jayla Allen, Damon Johnson, Joshua Muhammad, Raul Sanchez, and Treasure Smith (collectively, “Plaintiffs”), respectfully request that this Court enter a temporary restraining order compelling Defendants Waller County, Texas; the Waller County Commissioners Court; Judge Carbett J. Duhon III; and Christy A. Eason (collectively, “Defendants”) (a) to extend the days and hours of early

voting for the 2018 general election in Waller County at the Memorial Student Center at Prairie View A&M University (“PVAMU”) and the Waller County Community Center (“Community Center”) or the City Hall in Prairie View according to the schedules described in Parts I and II below; and (b) to provide written notice of the early voting hours requested herein as described in Part III below.

- I. At the Memorial Student Center on the PVAMU campus, provide the following days and hours of early voting:
 - (a) Thursday, October 25, and Friday, October 26, from 7:00 a.m. to 7:00 p.m.;
and
 - (b) Monday, October 29, through Friday, November 2, from 7:00 a.m. to 7:00 p.m.
- II. At the Community Center or the City Hall in Prairie View, provide the following days and hours of early voting:
 - (a) Saturday, October 27, from 9:00 a.m. to 2:00 p.m.;
 - (b) Sunday, October 28, from 12:00 p.m. to 5:00 p.m.; and
 - (c) Monday, October 29, through Friday, November 2, from 7:00 a.m. to 7:00 p.m.
- III. Provide written notice of the early voting hours herein requested for the 2018 general election to the following parties:
 - (a) The University President of PVAMU;
 - (b) The President of the PVAMU Student Government Association;
 - (c) The Mayor and City Council of the City of Prairie View; and

(d) An appropriate representative of each church located in Prairie View.

Plaintiffs further request emergency consideration of this motion and a hearing, with notice, at the Court's earliest possible availability. The early voting period in Waller County, Texas, started on Monday, October 22, 2018, and will continue through Friday, November 2, 2018. Absent prompt issuance of the requested emergency relief, Plaintiffs will be irreparably harmed by being denied early voting opportunities during the first week of early voting and continue to be deprived of an equal opportunity to participate in our democracy.

In support of this motion, Plaintiffs rely upon the attached Memorandum of Law in Support of Plaintiffs' Emergency Motion for a Temporary Restraining Order.

Respectfully submitted on October 24, 2018,

/s/ Adam T. Schramek

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Counsel for Plaintiffs

**Motions for Pro Hac Vice forthcoming*
***Motions for Pro Hac Vice pending*

CERTIFICATE OF CONFERENCE

I certify that on October 23 and October 24, 2018, I conferred with Elton Mathis, counsel for Defendants, before filing this Emergency Motion. Mr. Mathis indicated that Defendants are opposed to the relief requested herein.

/s/ Leah C. Aden
Leah C. Aden

CERTIFICATE OF SERVICE

I certify that on October 24, 2018, the foregoing document was electronically filed with the Clerk of the Court using the CM/ECF system and served on Elton Mathis, C. Robert Heath, and Gunnar P. Seaquist, counsel for Defendants, via electronic mail.

/s/ Leah C. Aden
Leah C. Aden